

FILED  
JUN 21 2017  
CLERK, U.S. DISTRICT COURT  
RICHMOND, VA

**Respondent.**

) ) ) ) ) ) ) )

Civil Action No. 3:16CV963-HEH

**(Adopting Report and Recommendation and Dismissing Action)**

ORDERED that:

1. Hardy's objections are **OVERRULED**;
2. The Report and Recommendation (ECF No. 22) is **ACCEPTED** and **ADOPTED**;
3. The Motion to Dismiss (ECF No. 16) is **GRANTED**;
4. Hardy's Motion to Amend (ECF No. 20) is **DENIED**;
5. Hardy's § 2254 Petition (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**; and,
6. A certificate of appealability is **DENIED**.

Should Hardy desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to Hardy and counsel of record.

It is so ORDERED.

WEN

/s/

HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: June 21, 2017  
Richmond, Virginia